

## **REMARKS**

By the present Amendment, claims 9, 22 and 37 are amended, and claims 39-41 are added. This leaves claims 9-41 pending in the application, with claims 9, 22 and 37 being independent.

### **Rejection Under 35 U.S.C. §102 and §103**

Claim 9 covers an aircraft passenger seat comprising a seat part, a backrest extending from the seat part, a tray table 3 and a pocket receptacle 15. The backrest has a front surface facing the seat part, a support structure 11 and a backrest cushioning 13 on the support structure. The tray table is coupled to the support structure and is foldable between a stored position on a back of the support structure and a use position away from the back of the support structure. The pocket receptacle is on the back of the support structure for holding utensils, printed materials and travel accessories, and is a cavity overlapping at least partially the tray table in its stored position in a direction perpendicular to the front surface of the backrest. A main opening is provided for the pocket receptacle for introducing objects into the cavity and is open and exposed when the tray table is in its stored position, the tray table remains outside the cavity in its stored position.

By forming the aircraft passenger seat in this manner, a passenger has permanent and constant access to the cavity vertically overlapping the stored tray table in a direction perpendicular to the backrest front surface in a space saving manner. Access to the contents of the pocket receptacle can be obtained through the main opening even when the tray table is in its up or stored position. The tray table does not interfere with the cavity. None of the other cited patents or applications disclose or render obvious these features, particularly in combination.

Claims 9-12 and 14-38 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 3,615,118 to Buxton. The Buxton padded portions 51 and seat back 61 are apparently relied upon for the support structure and backrest cushioning. The Buxton flap table 72 is apparently relied upon for the tray table. The Buxton locker 63 is apparently relied upon for the pocket receptacle. The bottom of Buxton pocket 63 is apparently relied upon for forming the cavity bottom. The back portion of Buxton seat back 61 behind turn button 74 allegedly provides the plate. The Buxton turn button 74 allegedly provides the latch. The portion of Buxton liner 57 under recess tray 66 allegedly provides the elongated bottom. Buxton liner 57 allegedly has a lip on its edge bordering a bottom opening.

Claim 13 stands rejected under 35 U.S.C. §103 as being unpatentable over the Buxton patent in view of U.S. Patent No. 5,507,556 to Dixon. In support of the rejection, it is alleged that it would be obvious to provide the Dixon display screen 20 on the Buxton seat.

Claim 9 is patentably distinguishable over the Buxton patent, particularly by the cavity overlapping at least partially the tray table in the stored position in a direction perpendicular to the front surface of the backrest. In contrast, the Buxton locker 63 alleged to provide the storage cavity is completely above the stored tray table, and does not overlap the tray table in a direction perpendicular to the front surface. The Buxton locker 63 is not horizontally between the tray table in its stored position and the backrest to have overlapping vertical extents as provided by the claim recitation of the overlap perpendicular to the backrest front surface, particularly within the claimed combination.

Accordingly, the Buxton patent does not anticipate the subject matter of claim 9.

Claims 10-21 and 27-36 being dependent upon claim 9, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents and applications.

Claim 10 is further distinguishable by the cavity extending vertically from an area adjacent the support structure top edge to a structure element forming the receptacle bottom and located within a surface area of the tray table in the stored position. No such structural arrangement is disclosed or rendered obvious by the Buxton patent since locker 72 is spaced above table 63 in the table's stored position.

Claim 11 is further distinguishable by the main opening being adjacent the top edge of the support structure and opening in a backward direction away from the backrest cushioning. This further maintains the access to the pocket receptacle in the stored position of the tray table. Such structure with the claimed overlapping is not disclosed or rendered obvious by the Buxton patent.

Claim 12 is further distinguishable by the plate forming the rear wall of the receptacle and being distinct from the tray table, particularly within the claimed overlapping orientation.

Claim 13 is further distinguishable by the display screen integrated therein, within the overall claimed combination.

Claim 14 is further distinguishable by the latch for the tray table being supported in the stored and use positions on the plate defining the receptacle. While the Buxton patent discloses a turn button, such turn button is on the back surface of the backrest, and not on a plate forming the back of locker 63 relied upon for the claimed cavity.

Claim 15 is further distinguishable by the bottom opening extending between the structure element and the plate. No such bottom opening is provided in the Buxton seat.

Claim 16 is further distinguishable by a lip on the support element and projecting into the bottom opening. No such lip appears to be disclosed in the Buxton patent.

Claim 17 is further distinguishable by the tray table having its face facing the cavity in the stored position, while the main opening allows removal of items stored in that position. The Buxton table 72 is spaced below locker 63 relied upon for the cavity and does not face it, as claimed.

Claim 18 is further distinguishable by the relative positioning of wall piece 23 relative to the rear wall of the support structure bearing the backrest cushioning, with the tray table having a top edge below a top of the wall piece. These relative orientations ensure unobstructed access to the receptacle contents through the main opening even when the tray table is in its stored position. Such arrangement is not disclosed or rendered obvious in the Buxton patent since the locker 63 is completely above table 72 in the stored position.

Claim 19 is further distinguishable by the by the latch being on the rear side of the wall piece. The Buxton patent does not have such wall piece for its turn button 74.

Claim 20 is further distinguishable by the latch being mounted below the main opening in a direction parallel to the main direction of the seat back in its upright position, within the claimed combination of the overlapping orientation of the cavity and table.

Claim 21 is further distinguishable by the upper edge of the wall piece defining the main opening and the latch for the tray table being mounted below that upper edge. Such positioning of the latch ensures that the tray table will not obscure the main opening for access to the pocket receptacle contents when the tray table is in its stored position. The Buxton latch is not mounted on such wall piece.

Claim 27 is further distinguishable by the tray table being distinct from the support structure in combination with the claimed overlapping.

Claim 28 is further distinguishable by the plate being fixedly connected to the support structure in combination with the claimed overlapping.

Claim 29 is further distinguishable by the opening being in the upper half of the backrest in combination with the claimed overlapping.

Claims 30 and 31 are further distinguishable by the vertical top opening of the cavity. The Buxton locker 63 only opens to its back side, not its vertical top.

Claim 32 is further distinguishable by the utensils in combination with the claimed overlapping.

Claim 33 is further distinguishable by the stored tray table at least partially covering the receptacle in a direction perpendicular to the backrest supporting face. The Buxton table 74 does not cover locker 63 since they are completely vertically spaced.

Claim 34 is further distinguishable by the cavity wall parts distinct from the table in combination with the claimed overlapping.

Claim 35 is further distinguishable by the main opening defined by the top edge of the wall piece forming the cavity between the wall piece and the backrest supporting face and the main opening above the top edge of the stored tray table, particularly in combination with claimed overlapping. The Buxton opening of locker 63 is not at the top edge of such wall piece.

Claim 36 is further distinguishable by the latch being extended over the top edge of the tray table, with the overall claimed combination.

Claim 22 covers an aircraft passenger seat comprising a seat part having a forward edge and a rear edge, and a backrest extending from the seat part adjacent its rear edge, with the backrest having a front surface facing the seat part and a rear surface remote from and facing opposite from the front surface. A support structure 11 on the rear surface defines a cavity on the rear surface and has laterally spaced side portions. A plate 23 extends between the side portions and is spaced from the backrest rear surface to define a receptacle. The plate has a top edge defining a main opening for inserting items into and retrieving items from the receptacle, and has a bottom edge spaced from the top edge. A structure element 21 extends between the support structure side portion, is spaced from the top edge, is adjacent the bottom edge, and forms a bottom of the receptacle. A tray table 3 is mounted on the rear surface for movement between a stored position overlying a rear, outer surface of the plate and a use position spaced from the backrest. The tray table has an upper edge in its stored position located below the top edge of the plate maintaining the main opening unobstructed in its stored position, and in the stored position overlaps the receptacle at least partially in a direction perpendicular to the backrest front surface.

For the reasons advanced above, such structure is not anticipated or rendered obvious by the Buxton patent.

Claims 23-26, being dependent upon claim 22, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patent documents.

Claim 23 is further distinguishable by the latch for securing the tray table being mounted on the plate between its top and bottom edges. No such plate with a latch is provided in the Buxton patent.

Claim 24 is further distinguishable by the latch being adjacent the plate top edge. No such latch or relationship is disclosed or rendered obvious by the Buxton patent.

Claim 25 is further distinguishable by the tray table being pivotally coupled to the support structure, within the overall claimed combination.

Claim 26 is further distinguishable by the plate having a bottom opening adjacent its bottom edge. No such bottom opening is provided in the Buxton patent.

Claim 37 combines the limitations of claims 9, 18, 20 and 35, and is patentably distinguishable for the corresponding reasons. Claim 38, being dependent upon claim 37, is also allowable for those reasons, and is further distinguishable by the latch extending over the tray table top edge in the storage position.

New claims 39-41, being dependent on claims 9, 22 and 37, respectively, are also allowable for the reasons advanced above. These new claims are supported by the originally filed specification and drawings, and further distinguish these claims over the cited patents by the features recited therein, particularly the cavity or receptacle being horizontally between the stored tray table and the backrest and the overlapping vertical extents. Such features are not disclosed or rendered obvious by the Buxton patent.

Applicants note with appreciation the July 22, 2009 telephone interview between Examiner Garrett and the undersigned regarding the non-finality of the July 21, 2009 Office Action. Examiner Garrett stated that such Office Action is to be treated as being non-final.

In view of the foregoing, claims 9-41 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,



---

Mark S. Bicks  
Reg. No. 28,770

Roylance, Abrams, Berdo & Goodman, LLP  
1300 19th Street, NW, Suite 600  
Washington, DC 20036  
(202) 659-9076

Dated: October 19, 2009